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BUCKLEY, MASCHOFF, TALWALKAR LLC 5 ELM STREET NEW CANAAN, CT 06840			SHIMIZU, MATSUICHIRO	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/885,879

Applicant(s)

YU ET AL.

Examiner

Matsuichiro Shimizu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

The examiner acknowledges currently amended claims 1—6, 8–9, 11–14, 17, 21, 23, 25–27, 33–34, and 40, and canceled claims 41–42.

The examiner withdraws rejection of claims 8 and 21 under 35 U.S.C. 112, second paragraph in view of currently amended claims 8 and 21 provided by the applicant filed on 6/15/2004.

The examiner approves Amendment to the specification (pages 2–3) filed on 6/15/2004 in view of following;

- (1) there is no new subject matter,
- (2) marked-up copy of original specification.

Therefore, Substitute Specification will be entered by LIE.

***Response to Arguments***

Applicant's arguments with respect to claims 1–40 have been considered but are moot in view of the new grounds of rejection, wherein new art of Petite teaches said handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device (Fig. 1B, col. 5, lines 46–50, multiple transceivers; col. Lines 10–24, hopping information between transceivers or handheld devices 112 and 116 within the allowed range) for the purpose of providing expanded communication coverage whether both devices are in a room or not. Such location would be relative to the environment the devices are in.

Therefore, rejection of claims 1–40 follows:

*Claim Rejections – 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1–17, 21–31 and 33–40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tijerino (6,405,034) in view of Petite et al. (6,747,557).

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Regarding claim 1, Tijerino teaches a method for providing content, comprising: determining at least one attribute of a person (col. 1, lines 42–51, user's personal preference or augmented data or personal preference data); determining a content segment based (col. 5, lines 21–29 and col. 6, lines 38–55, content segment associated with segment category in the particular server or database), at least in part, on said at least one attribute of said person; and providing said content segment to a device (col. 3, lines 20–29, handheld transceiver associated with pager, handheld computer) associated with said person. But Tijerino does not teach said device is capable of retransmitting content from one handheld device to another within a room.

However, Petite teaches, in the art of wireless communication system, a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device (Fig. 1B, col. 5, lines 46–50, multiple transceivers; col. lines 10–24, hopping information via transceivers or handheld devices 112 to 116 within the allowed range) for the purpose of providing expanded communication coverage whether both devices are in a room or not. Such location would be relative to the environment the devices are in. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device in the device of Tijerino because Logan suggest said device is capable of transmitting segment information and Petite teaches, in the art of wireless communication system, a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device for the purpose of providing expanded communication coverage.

Regarding claim 2, Tijerino teaches the method of claim 1, wherein said determining at least one attribute of a person includes receiving data indicative of a topic of interest to said person (col. 1, lines 42–51, user's personal preference or augmented data or personal preference data).

Regarding claim 3, Logan teaches the method of claim 1, wherein said determining a content segment based, at least in part, on said at least one attribute includes: receiving a request for a specific content segment (col. 5, lines 21–29 and col. 6, lines 38–55, content segment associated with segment category in the particular server or database).

Regarding claim 4, Tijerino teaches the method of claim 1, wherein said providing said content segment to a device associated with said person includes sending a notification to said device (col. 6, lines 56–65, displaying selected portions of the retrieved data and additional suggested data).

Regarding claim 5, Tijerino teaches the method of claim 1, wherein said transmitting said content segment includes broadcasting said content segment within a localized area containing said device (col. 3, lines 8–19, radio communication network).

Regarding claim 6, Tijerino teaches the method of claim 1, wherein said attribute of said person includes a residence of said person (col. 3, line 16, a residence associated with subscriber).

Regarding claim 7, Tijerino teaches the method of claim 1, wherein said content segment includes an advertisement (col. 3, lines 50–54, advertisement submenu containing a list of restaurants within the area determined by the GPS).

Regarding claim 8, Tijerino teaches the method of claim 1, further comprising:

determining said localized area (col. 4, lines 57–59, GPS).

Regarding claim 9, Petite teaches the method of claim 1, further comprising: providing a notification of said content segment to a third device (Fig. 1B, col. 5, lines 46–50, multiple transceivers; col. 5, lines 10–24, hopping information via transceivers to third device 106 after devices 112 and 116).

Regarding claim 10, Petite teaches the method of claim 1, further comprising: providing a notification of said content segment to a second person (Fig. 1B, col. 5, lines 46–50, multiple transceivers; col. 5, lines 10–24, hopping information via transceivers or handheld devices 112 to 116 within the allowed range).

Regarding claim 11, Tijerino teaches the method of claim 1, further comprising: determining an attribute of said first device (col. 4, lines 57–59, location of the device via GPS).

Regarding claim 12, Tijerino in view of Petite teaches the method of claim 1, wherein said attribute of said device includes a display (Tijerino—col. 5, lines 59–61, parameters associated first GUI device) capability of said first device (Petite—Fig. 1B, the first device 112).

Regarding claim 13, Petite teaches the method of claim 1, further comprising: determining said first device (Fig. 1B, the first device 112).

Regarding claim 14, Tijerino teaches the method of claim 13, wherein said determining said device includes selecting said device from a plurality of devices associated with said person (col. 3, lines 20–29, plural devices associated with pagers, mobile phones).

Regarding claim 15, Tijerino teaches the method of claim 1, further comprising: determining said person (col. 8, lines 8–19, person associated with subscriber).

Regarding claim 16, Tijerino teaches the method of claim 15, wherein said determining said person includes identifying said person from data included in a request to provide a content segment (col. 8, lines 8–19, person associated with subscriber; col. 3, lines 30–34, requesting associated with the processing data retrieval).

Regarding claim 17, Tijerino teaches the method of claim 1, wherein said device is a user device (col. 3, lines 20–29, user input to the device).

Regarding claim 21, Tijerino teaches the method of claim 5, wherein said localized area includes an area surrounding a device (col. 3, lines 8–19, localized area associated with cellular zone).

Regarding claim 22, Tijerino teaches the method of claim 1, further comprising: determining an identity of said person (col. 8, lines 8–19, identification of person associated with subscriber).

Regarding claim 23, Tijerino teaches the method of claim 1, further comprising: determining a rule governing transmission (col. 3, lines 7–19, cell-phone or radio coverage system following a rule associated with transmitter power) of said content segment (col. 5, lines 21–29 and col. 6, lines 38–55, content segment associated with segment category in the particular server or database) by said device.

Regarding claim 24, Tijerino teaches the method of claim 1, further comprising: receiving confirmation of said attribute (col. 3, lines 42–45, confirmation associated with reservation system).

Regarding claim 25, Tijerino teaches the method of claim 1, further comprising: receiving a notification that said content segment has been received by said device (col. 3, lines 42–45, notification associated with reservation system).



Regarding claim 26, Tijerino teaches the method of claim 1, further comprising: receiving a notification that said content segment has been transmitted by said device (col. 3, lines 42–45, notification associated with reservation system).

Regarding claim 27, Tejerino teaches a method for providing content, comprising: transmitting at least one wireless signal within a localized area (col. 3, lines 8–19, localized area associated with cellular zone), said at least one signal being indicative of availability of a plurality of content segments (col. 3, lines 42–54, reservation systems, traffic monitoring, hotels) within said localized area (col. 3, lines 8–19, localized area associated with cellular zone); and transmitting (Fig. 1, col. 6, lines 39–44, host server to cellular radio for communication to subscriber) at least one of said plurality of content segments via a wireless signal within said localized area (col. 3, lines 42–54, reservation systems, traffic monitoring, hotels). But Logan does not teach said device is capable of retransmitting content from one handheld device to another within a room.

However, Petite teaches, in the art of wireless communication system, a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device (Fig. 1B, col. 5, lines 46–50, multiple transceivers; col. lines 10–24, hopping information via transceivers or handheld devices 112 to 116 within the allowed range) for the purpose of providing expanded communication coverage whether both devices are in a room or not. Such location would be relative to the environment the devices are in. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device in the device of Tijerino

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because Logan suggest said device is capable of transmitting segment information and Petite teaches, in the art of wireless communication system, a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device for the purpose of providing expanded communication coverage.

All subject matters in claims 28–29 are disclosed in claim 27, and therefore rejection of the subject matters expressed in claims 28–29 are met by references and associated arguments applied to rejection of claim 27.

Regarding claim 30, Tijerino teaches the method of claim 27, further comprising: receiving a notification regarding a selection of one of said plurality of content segments (col. 3, lines 42–45, notification associated with reservation system).

Regarding claim 31, Tijerino teaches the method of claim 27, further comprising: receiving a request to transmit at least one of said plurality of content segments (col. 8, lines 8–19, person associated with subscriber; col. 3, lines 30–34, requesting associated with the processing data retrieval).

Regarding claim 33, Tijerino teaches the method for receiving content, comprising: receiving data indicative of availability (col. 3, lines 42–54, reservation systems, traffic monitoring, hotels) of at least one content segment within a localized area; and locating a device within said localized area (col. 3, lines 8–19, localized area associated with cellular zone), said first device being a handheld communication device and being located within a room (col. 3, lines 20–29, laptop in a room); transmitting said at least one content segment to said first device (col. 3, lines 34–38, transmitting from the server 10 to and receiver 40); and receiving said at least one content segment at said first device (col. 3, lines 34–38, transmitting from the server

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10 to receiver or first device 40). But Logan does not teach said device is capable of retransmitting content from one handheld device to another within a room.

However, Petite teaches, in the art of wireless communication system, a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device (Fig. 1B, col. 5, lines 46-50, multiple transceivers; col. lines 10-24, hopping information via transceivers or handheld devices 112 to 116 within the allowed range) for the purpose of providing expanded communication coverage whether both devices are in a room or not. Such location would be relative to the environment the devices are in. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device in the device of Tijerino because Logan suggest said device is capable of transmitting segment information and Petite teaches, in the art of wireless communication system, a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device for the purpose of providing expanded communication coverage.

Regarding claim 34, Logan teaches the method of claim 33, wherein said receiving data indicative of availability (co. 11, lines 35-57, an indication of the duration of programming remaining to be played) of at least one content segment within a localized area includes receiving said data while said device is in said localized area (col. 6, lines 39-44, area associated with cellular radio coverage).

Regarding claim 35, Tijerino teaches the method of claim 33, further

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comprising: transmitting data indicative of said at least one content segment within said localized area (col. 3, lines 8-19, localized area associated with cellular zone); transmitting data indicative of said at least one content segment outside said localized area (col. 3, lines 8-19, localized area associated with previous cellular zone); receiving said data while outside said localized area (col. 3, lines 8-19, localized area associated with current cellular zone); and transmitting data indicative of said content segment within said localized area; and receiving said data while inside said localized area and transmitting data indicative of said content segment within said localized area (col. 3, lines 8-19, localized area associated with cellular zone).

Regarding claim 36, Tijerino teaches the method of claim 33, further comprising: selecting said at least one of said at least one content segment (col. 3, lines 45-54, selecting submenu).

Regarding claim 37, Tijerino teaches the method of claim 33, wherein said signal is one of the following: an electromagnetic signal (col. 3, lines 8-19, cellular radio).

Regarding claim 38, Tijerino teaches the method of claim 33, further comprising: providing a notification of a selection of said at least one of said at least one content segment (col. 3, lines 45-54, selecting submenu).

Regarding claim 39, Tijerino teaches the method of claim 33, wherein said localized area includes an area surrounding a device (col. 3, lines 8-19, localized area associated with cellular zone).

Regarding claim 40, Tijerino teaches the method for processing content, comprising: receiving data indicative of attribute (col. 3, lines 34-40, the server 10 sends submenu to device 40) of at least one content segment within a localized area;

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and locating a device within said localized area (col. 3, lines 8–19, localized area associated with cellular zone), said first device being a handheld communication device and being located within a room (col. 3, lines 20–29, laptop in a room); transmitting said at least one content segment to said first device (col. 3, lines 34–38, transmitting from the server 10 to and receiver 40); and receiving said at least one content segment at said first device (col. 3, lines 34–38, transmitting from the server 10 to receiver or first device 40). But Petites does not teach said device is capable of retransmitting content from one handheld device to another within a room.

However, Petite teaches, in the art of wireless communication system, a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device (Fig. 1B, col. 5, lines 46–50, multiple transceivers; col. lines 10–24, hopping information via transceivers or handheld devices 112 to 116 within the allowed range) for the purpose of providing expanded communication coverage whether both devices are in a room or not. Such location would be relative to the environment the devices are in. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device in the device of Tijerino because Tijerino suggest said device is capable of transmitting segment information and Petite teaches, in the art of wireless communication system, a handheld device is capable of hopping transmission of information within the allowed communication range to another handheld device for the purpose of providing expanded communication coverage.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tijerino in view of Petite as applied to claim 27 above, and further in view of Kauffman et al. (5,260,778).

Regarding claim 32, Tijerino teaches the method of claim 27, wherein transmitting at least one of said plurality of content segments via a wireless signal within said localized area includes transmitting said at least one of said plurality of content segments via a wireless signal (col. 3, lines 42–54, reservation systems, traffic monitoring, hotels). But Logan in view of Petite does not teach transmitting wireless signal at least twice during a designated time period.

However, Kauffman teaches, in the art of transmission communication system, transmitting signal at least twice during a designated time period via cable (col. 2, line 65–col. 3, line, repeated message transmissions within predetermined time period) for the purpose of providing reliable communication. Furthermore, one of ordinary skill in the art recognizes transmission of signal via cable and wireless transmission of signal provide same data transmission. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include in the device of Tijerino in view of Petite because Tijerino in view of Petite suggest wireless signal transmission and one of ordinary skill in the art recognizes transmitting wireless signal at least twice during a designated time period for the purpose of providing reliable communication.

Claims 18–20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tijerino in view of Petite as applied to claim 27 above, and further in view of Logan et al. (5,732,216).

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Regarding claims 18 and 20, Tijerino in view of Petite teaches the method of claim 1, further comprising: determining a content segment based (col. 5, lines 21–29 and col. 6, lines 38–55, content segment associated with segment category in the particular server or database), at least in part, on said at least one attribute of said person. But Tijerino in view of Petite does not teach determining compensation available to said person (col. 2, lines 44–46, subscriber receive credit associated with compensation).

However, Logan teaches , in the art of subscriber system, providing a notification regarding said compensation (col. 10, lines 15–36, advisory indication to better control the cost of services with compensation) for providing additional feature. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include providing a notification regarding said compensation in the device of Tijerino in view of Petite because Tijerino in view of Petite suggest determining a content segment based, at least in part, on said at least one attribute of said person and Logan teaches providing a notification regarding said compensation (col. 10, lines 15–36, advisory indication to better control the cost of services with compensation) for providing additional feature.

Regarding claim 19, Logan teaches the method of claim 18, further comprising: providing a notification regarding said compensation (col. 10, lines 15–36, advisory indication to better control the cost of services with compensation).

### *Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of t

his action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final act

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (571-272-3068). The fax phone number for the organization where this application or proceeding is assigned is (571-272-3066).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

October 4, 2004

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
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